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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,433	09/03/2003	Luciano M. Parrinello	1687P2	5223

7590

12/30/2005

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EXAMINER

JACKSON, MONIQUE R

ART UNIT

PAPER NUMBER

1773

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/654,433

Applicant(s)

PARRINELLO ET AL.

Examiner

Monique R. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. The amendment filed 10/7/05 has been entered. Claims 18-109 have been canceled.

Claims 1-17 are pending in the application.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Pekala (USPN 6,025,068.) Pekala teaches a printing medium comprising a substrate and an ink receiving layer wherein the ink receiving layer is formed from a coating composition comprising an aqueous urethane resin wherein the coating composition has a pH in most instances in the range of 3 to 10 and often from 3.5 to 7, and may further comprise a nitrogen containing polymer, in amounts as instantly claimed (Abstract; Col. 4; Col. 5, line 60-Col. 6, line 55; Examples.)

Claim Rejections - 35 USC § 103

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tang et al (USPN 6,632,485.) Tang et al teach an ink receiving medium comprising a substrate and an ink receiving layer comprising an aqueous polyurethane dispersion and a cationic nitrogen containing polymeric dye fixative material (Col. 4, lines 58-60; Col. 6, lines 40-44.) Tang

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teaches that the dye fixative material may be a copolymer of dimethylamino ethyl methacrylate or a polyamide-epichlorohydrin that may also be utilized as a crosslinker (Col. 6, lines 34-47.) Tang teaches that the polyurethane may be anionic, cationic or nonionic in an amount of 2-60wt% of the coating, including polyurethanes as instantly claimed (Col. 4, line 49-Col. 5, line 3.) Though Tang does not specifically teach that the layer has a pH less than 7, Tang teaches that the use of an acid processed gelatin process a pH less than 9 which mordanting properties the dye molecules in the ink (Col. 6, line 36.) Further, Schliesman et al teach that a low pH coating for an ink jet recording medium wherein the coating has a pH of 4.0 to 7.0 and comprises a cationic dye fixing agent, provides an enhanced effect to the cationic fixing agent and in turn better print quality (Col. 1, line 50-Col. 2, line 2; Col. 2, lines 41-65.) Though Tang does not specifically teach the solids content or viscosity as instantly claimed, one having ordinary skill in the art at the time of the invention would have been motivated to utilize routine experimentation to determine the optimum solids content and viscosity to provide the desired coating weight and thickness for the resulting ink receiving medium taught by Tang et al. Further, though Tang et al and Schliesman do not specifically teach the instantly claimed amount of an aqueous solution of the cationic nitrogen-containing fixing agent, Schliesman teach that the final composition should comprise 10 parts per 100 of the fixing agent and suggests that the amount is a result-effective variable. Hence, one skilled in the art would have been motivated to determine the optimum amount of a particular fixing agent to provide the desired fixative properties for a particular ink applied.

Response to Arguments

6. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson
Primary Examiner
Technology Center 1700
December 27, 2005